

House Bill 586 (AS PASSED HOUSE AND SENATE)

By: Representatives Ralston of the 7<sup>th</sup> and Fleming of the 117<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 1 of Chapter 6 of Title 15 and Code Section 17-12-127 of the Official Code of Georgia Annotated, relating to the general provisions of superior courts and representation and appointment of alternative attorneys, respectively, so as to change certain provisions relative to indigent defense costs; to specify costs not to be considered contingent expenses; to change matters relating to appointment of counsel and attorneys' fees in capital cases; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to the general provisions of superior courts, is amended by revising Code Section 15-6-24 as follows:

"15-6-24.

(a) Any contingent expenses incurred in holding any session of the superior court, including lights, fuel, stationery, rent, publication of grand jury presentments when ordered published, and similar items, such as taking down testimony in felony cases, etc., shall be paid out of the county treasury of such county upon the certificate of the judge of the superior court and without further order.

(b) Any costs incurred in providing defense services pursuant to Chapter 12 of Title 17, the 'Georgia Indigent Defense Act of 2003,' for persons accused of crimes shall not be considered contingent expenses of the superior court for purposes of this Code section."

**SECTION 2.**

Code Section 17-12-127 of the Official Code of Georgia Annotated, relating to representation and appointment of alternative attorneys, is amended by revising subsection (b) as follows:

1     "(b) If for any reason the office is unable to defend any indigent person accused of a capital  
2     felony for which the death penalty is being sought, the presiding judge of the superior court  
3     in which the case is pending shall appoint ~~an attorney or attorneys~~ counsel to represent the  
4     defendant. ~~Counsel appointed pursuant to this subsection shall be paid~~ A maximum of two  
5     attorneys shall be paid by the council at an hourly rate established by the council with state  
6     funds appropriated to the council for use by the office. The council with the assistance of  
7     the office shall establish guidelines for attorney's fees and expense requests. A county  
8     governing authority may provide supplemental compensation to appointed counsel. The  
9     presiding judge may appoint not more than one additional attorney to represent the  
10    defendant; provided, however, that such attorney shall be paid by the county governing  
11    authority with county funds at a rate established by the council."

12                                   **SECTION 3.**

13    This Act shall become effective on July 1, 2007, and shall apply to all costs and fees incurred  
14    or counsel appointed on or after July 1, 2007.

15                                   **SECTION 4.**

16    All laws and parts of laws in conflict with this Act are repealed.